

Bob Beeman Drilling and its workers compensation insurance carrier, Workers Compensation Fund (jointly referred to as “Beeman”) ask the Utah Labor Commission to review Administrative Law Judge George's award of temporary total disability compensation to E. F. under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

### **BACKGROUND AND ISSUE PRESENTED**

On December 24, 2003, Judge George ordered, among other things, that Beeman pay temporary total disability compensation to Mr. F. from February 21 through December 3, 1997. In its request for review of Judge George's award, Beeman asks the Commission to either set aside the award or authorize Beeman to withhold payment for any period of time that Mr. F. was employed.

### **DISCUSSION**

The Commission notes that Judge George, in the “conclusions of law” portion of his decision, concluded that Mr. F. is entitled to temporary total disability compensation from February 21 to December 3, 1997, “less any periods when (Mr. F.) was working.” However, Judge George failed to include the foregoing limitation in his “order.” The Commission agrees with Beeman that Judge George's oversight should be corrected.

### **ORDER**

The Commission grants Beeman's motion for review and modifies the first paragraph of Judge George's order (found at page three of Judge George's decision) as follows:

**Bob Beeman Drilling and the Workers Compensation Fund shall pay Eddie F. temporary total disability compensation from February 21 through December 3, 1997, at \$446 per week. However, Bob Beeman Drilling and the Workers Compensation Fund may reduce the temporary total disability compensation otherwise due Mr. F. to account for any work and earnings that Mr. F. had during the foregoing period.**

It is so ordered.

Dated this 15<sup>th</sup> day of June, 2004.

R. Lee Ellertson, Commissioner